

THE STATE OF TEXAS *
COUNTY OF WILLIAMSON *
CITY OF ROUND ROCK *

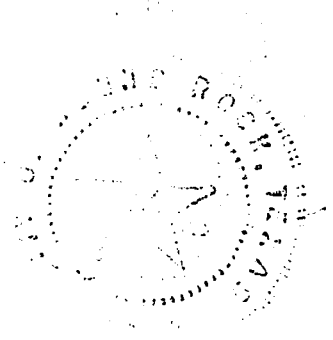
DOC# 9926846

I, JOANNE LAND, Assistant City Manager/City Secretary of the City of Round Rock, Texas, do hereby certify that I am the custodian of the public records maintained by the City and that the above and foregoing is a true and correct copy of Ordinance No. Z-99-03-25-9C1 which was passed and adopted by the City Council of the City of Round Rock, Texas, at two meetings held on the 11th day of March 1999 and the 25th day of March, 1999 as recorded in the minutes of the City of Round Rock in Book 40.

CERTIFIED by my hand and seal of the City of Round Rock, Texas on this 22nd day of April 1999.

Joanne Land

JOANNE LAND, Assistant City Manager/
City Secretary



ORDINANCE NO. Z-99.03-25-9C1

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN SECTION 11.305(2), CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ZONE 101.301 ACRES OF LAND OUT OF THE ASA THOMAS SURVEY, ABSTRACT 609, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS PLANNED UNIT DEVELOPMENT (PUD) NO. 36.

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to zone the property described in Exhibit "A" as Planned Unit Development (PUD) No. 36, said exhibit being attached hereto and incorporated herein, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 17th day of February, 1999, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" be changed to PUD No.36, and

WHEREAS, on the 28th day of January, 1999, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300, Code of Ordinances (1995 Edition), City of Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS, THAT:

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No.36 meets the following goals and objectives:

- (1) The development in PUD No.36 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 36 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 36 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.
- (4) P.U.D. No. 36 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.
- (5) P.U.D. No. 36 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Section 11.305(2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A", attached hereto and incorporated herein shall be, and is hereafter designated as Planned Unit Development (PUD) No. 36, and that the Mayor is hereby authorized and directed to enter into the Agreement and Development Plan for PUD No. 36 attached hereto as Exhibit "B", which agreement shall govern the development and use of said property.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

Alternative 1.

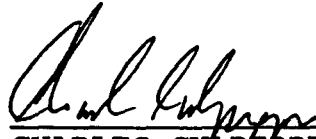
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this _____ day of _____, 1999.

Alternative 2.

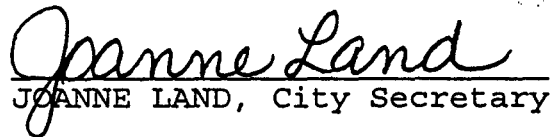
READ and APPROVED on first reading this the 11th day of March, 1999.

READ, APPROVED and ADOPTED on second reading this the 25th day of March, 1999.



CHARLES CULPEPPER, Mayor
City of Round Rock, Texas

ATTEST:



JOANNE LAND, City Secretary

EXH. IT "A"

JAMES T. WATSON

CONSULTING ENGINEER

9501 CAPITAL OF TX HWY. N. SUITE 303

AUSTIN, TEXAS 78759

Phone 346-8566



May 12, 1986

FIELD NOTES:

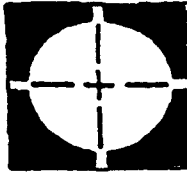
119.997 acres of land out of the Asa Thomas Survey in Williamson County Texas, and being all of that certain tract conveyed to Doyle Hickerson by deed recorded in Vol. 526, page 50, Williamson County Deed Records; described by metes and bounds as follows:

BEGINNING at the northwest corner of said Hickerson tract;
THENCE with the boundary of said Hickerson tract the following

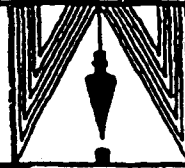
8 courses:

- 1) Along the north line of said Hickerson tract, also the south line of Gattis School Road, S89°16'E 151.46 ft;
- 2) Along the north line of said Hickerson tract, also the south line of Gattis School Road, N89°58'30"E 1658.42 ft for corner;
- 3) S18°45'40"E 3356.80 ft for corner;
- 4) S70°58'44"W 652.53 ft for corner;
- 5) N2°12'40"E 670.54 ft for corner;
- 6) N86°44'06"W 936.0 ft for angle;
- 7) N86°28'45"W 511.33 ft for corner;
- 8) N17°56'W 2772.27 ft to the place of BEGINNING, containing 119.9 acres.

Surveyed by: James T. Watson
James T. Watson, RPS290



WATSON SURVEYING
9501 CAPITAL OF TEXAS HWY.
SUITE 303 AUSTIN, TX 78759
348-8566 FAX 346-8568



The following field notes describe that portion of the Doyle Hickerson 119.997 acre tract that is, at the present date of August 20, 1997, inside the City Limits of Round Rock, Texas:

18.696 acres of land out of the Asa Thomas Survey in Williamson County, Texas and being a portion of that tract conveyed to Doyle Hickerson by deed recd in Vol. 526, page 50, Williamson County Deed Records; described metes and bounds as follows:

BEGINNING at the northwest corner of said Hickerson tract;

THENCE along the north line of said Hickerson tract, S89°16'E 151.46 ft N89°58'30"E 1658.42 ft to northeast corner of said Hickerson tract for corner;

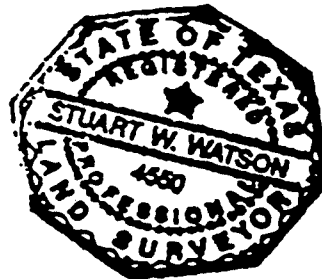
THENCE along the east line of said Hickerson tract, S18°45'40"E 475.36 ft for corner;

THENCE N89°57'42"W 1817.09 ft to the west line of said Hickerson tract corner;

THENCE along the west line of said Hickerson tract, N17°56'W 473.08 ft the place of BEGINNING, containing 18.696 acres.

Prepared from survey by James T. Watson dated May 12, 1986, of said 119.997

By: Stuart Watson 8/20/97
Stuart Watson, RPLS 4550



RECORDERS MEMORANDUM
All or parts of the text on this page was not clearly legible for satisfactory recordation.

EXHIBIT "B"

THE STATE OF TEXAS	§	AGREEMENT AND
	§	DEVELOPMENT PLAN
COUNTY OF WILLIAMSON	§	FOR HICKERSON PUD
		NO. 36

THIS AGREEMENT and Development Plan is made and entered by and between the City of Round Rock, Texas, a Texas municipal corporation, having its offices at 221 East Main Street, Round Rock, Texas 78664 (hereinafter referred to as the "City"), and DOYLE HICKERSON (hereinafter referred to as the "Owner").

WHEREAS, the Owner has submitted a request to the City to zone 101.301 acres of land as a Planned Unit Development ("PUD"), said acreage being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), and

WHEREAS, on February 17, 1999, the Planning and Zoning Commission recommended approval of the Owner's application for a PUD, and

WHEREAS, pursuant to Chapter 11, Section 11.316(8), Code of Ordinances (1995 Edition), City of Round Rock, Texas, the Owner has submitted a Development Plan, attached hereto and incorporated herein as a part of this Agreement, said Development Plan stating in detail all development conditions and requirements within the PUD,

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY TO DEVELOPMENT PLAN

That all uses and development within the Property shall conform to the Development Plan included in Section II herein.

2. CHANGES AND MODIFICATIONS

That no changes or modifications will be made to this Agreement unless all provisions pertaining to changes or modifications as stated in Section II.12 below are followed.

3. ZONING VIOLATION

That the Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the

Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance as stated in Section 1.601, Code of Ordinances, (1995 Edition), City of Round Rock, Texas, as amended.

4. LIENHOLDER CONSENT

That the lienholder of record has consented to this Agreement and Development Plan, including any and all dedications to the public. A lienholder consent is attached hereto and incorporated herein as Exhibit "B".

5. MISCELLANEOUS PROVISIONS

5.1 Necessary Documents and Actions.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

5.2 Severability.

In case any one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and in such event, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.3 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

5.4 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

5.5 Venue.

All obligations of the parties created hereunder are performable in Williamson County, Texas and venue for any action arising hereunder shall be in Williamson County.

5.6 No Third Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto, any rights, benefits, or remedies under or by reason of this Agreement.

5.7 Duplicate Originals.

This Agreement may be executed in duplicate originals each of equal dignity.

5.8 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties by certified mail, postage prepaid or by hand-delivery to the address of the other party shown below:

OWNER

Doyle Hickerson
P. O. Box 789
Round Rock, Texas 78680

ROUND ROCK

City of Round Rock, Texas
221 East Main Street
Round Rock, Texas 78664
Attn: Director of Planning

5.9 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

II.

DEVELOPMENT PLAN

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances (1995 Edition), City of Round Rock, Texas, hereinafter referred to as "the Code".

2. PROPERTY

This Development Plan ("Plan") covers 101.301 acres of land, located within the city limits of Round Rock, Texas, and more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein.

3. PURPOSE

The purpose of this Plan is to insure a Planned Unit Development ("PUD") that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, 3) does not have an undue adverse affect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as to not dominate, by scale and massing of

structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections in the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except where clearly modified by this Plan.

5. PERMITTED USES

The permitted uses of the Property shall be as (I-2) Industrial Park, except as modified in Exhibit "C", attached hereto and incorporated herein.

6. LOT SIZES

The minimum lot size shall be as modified in Exhibit "C", attached hereto.

7. BUILDINGS SETBACKS

Building setbacks shall be as modified in Exhibit "C", attached hereto.

8. LANDSCAPING and BUFFERING

Landscaping and buffering shall be as modified in Exhibit "C", attached hereto.

9. PARKING

Parking regulations shall be as modified in Exhibit "C", attached hereto.

10. SIGN STANDARDS

Sign Standards shall be as modified in Exhibit "C", attached hereto.

11. Utilities

Except where approved in writing by the Director of Public Works, all electrical, telephone and cablevision distribution and service lines, other than overhead lines three-phase or larger, shall be placed underground.

12. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

12.1 Minor Changes

Minor changes to this Agreement or Plan required by engineering or other circumstances which do not substantially change this Plan may be approved by the Director of Planning and the Director of Public Works.

12.2 Major Changes

Major changes shall be resubmitted following the same procedure required in the original PUD application.

12.3 Changes in Writing

Neither this Agreement or Plan nor any provision hereof may be waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the City and the current Owner.

13. GENERAL PLAN AMENDED

The Round Rock General Plan is hereby amended to reflect the provisions of this agreement.

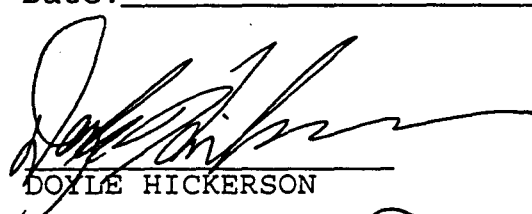
14. BINDING EFFECT

This Agreement and Plan binds and is to the benefit of the respective heirs, successors and assigns of the Owner.

CITY OF ROUND ROCK

By: 
Charles Culpepper, Mayor

Date: 3-25-99


DOYLE HICKERSON

Date 4-28-99

EXHIBIT C

DEVELOPMENT STANDARDS

1. **PERMITTED USES:**

- 1.1 Business Park uses, including, but not limited to, office, office/warehouse, research and development, technical schools, light manufacturing and assembly conducted wholly within a building.
- 1.2 Business Park secondary uses, including, but not limited to, caretaker's residence, the sale of goods produced or assembled on site, or day care for employee services related to the site.

2. **PROHIBITED USES:** The following uses are prohibited: automotive and machinery repair, including oil change facilities, automotive and machinery painting, automotive rental and sales, automotive washes, wrecking yards, sexually oriented businesses, transmission and communication towers, trucking terminals, truck repair, bulk distribution centers, mini-warehouses, flea markets, portable building sales, amusement parks or carnivals, campgrounds, recreational vehicle parks, outdoor shooting ranges, kennels, video arcades, bars and taverns, billiard parlors, tattoo parlors and donation centers.

3. **OUTDOOR STORAGE:** Any outdoor storage of materials or equipment and loading docks shall require a visual screen from abutting properties or city streets. All screening shall be approved by the Director of Planning prior to building permit approval.

4. **INTERPRETATION OF USE:** Final interpretation of uses not clearly permitted or prohibited shall be determined in writing by the Director of Planning. A copy of interpretations shall be provided to the Owner and the City Building Inspector.

5. **BUSINESS PARK DEVELOPMENT STANDARDS**

- 5.1 **Density:** The minimum lot size shall be one (1) acre.

5.2 Building Setbacks:

Building Setbacks shall be as follows:

- 5.2.1 Front Setback - Fifty (50') feet
- 5.2.2 Side Setback, Internal - Twenty-five (25') feet
- 5.2.3 Side Setback, Street - Fifty (50') feet
- 5.2.4 Rear Setback - Twenty-five (25') feet, except for the western boundary line of the property, which shall be as described in 5.2.5, below.
- 5.2.5 Western Boundary Line Setback - One Hundred and Thirteen (113') feet, which includes the fifty (50') foot landscape buffer described in Section 7.4, below, said 113' setback being described in Exhibit "D", attached hereto and incorporated herein.

5.3 Building Height Requirements

Business Park Use maximum heights shall be as as described in Exhibit "D", and as follows:

- 5.3.1 One Story, but no more than Twenty (20') feet, for all buildings One Hundred and Thirteen (113') feet to One Hundred and Fifty (150') feet from any Single Family Residential property line.
- 5.3.2 Two Stories, but no more than Thirty (30') feet, for all buildings One Hundred and Fifty (150') feet to Two Hundred (200') feet from any Single Family Residential property line.
- 5.3.3 Three Stories, but no more than Forty-five (45') feet, for all buildings at least Two Hundred (200') feet from any Single Family Residential property line.

5.3.4 The height limits prescribed herein shall not apply to necessary mechanical appurtenances. Said appurtenances shall be fully screened from public view.

6. **SIGN REGULATIONS:**

- 6.1 All freestanding signs shall be monument signs.
- 6.2 Freestanding signs shall not exceed six feet in height.
- 6.3 Freestanding signs shall not restrict visibility for traffic entering or leaving the site.
- 6.4 One freestanding sign shall be permitted for lots of less than three acres in size. The maximum area of the sign, defined as the area contained within a polygon containing the actual lettering and any logo, shall be fifty square feet. Portions of the masonry structure on which the sign is located are not counted as part of the fifty square feet provided they are not contained within the polygon.
- 6.5 Additional freestanding monument signs shall be permitted for lots of three acres or larger in accordance with the regulations contained in the Code.
- 6.6 Directional signs solely for the purpose of directing traffic or identifying buildings and facilities shall be permitted provided they are restricted to a size required for their function as determined by the Director of Planning.

7. **LANDSCAPING & BUFFERING:**

- 7.1 A landscaped berm shall be provided in all front yard areas, or, for any parcel abutting Gattis School Road. The landscaped berm shall be installed according to the following design standards:
 - 7.1.1 The berm shall be a minimum of three (3') feet in height, with a maximum slope of three (3') feet and a minimum slope of six (6) to one (1), with the berm top no narrower than five (5') feet. The berm

shall be landscaped to provide a complete visual screen from any parking, loading or storage areas. A site plan shall be approved by the Director of Planning prior to the issuance of any building permit. The Director of Planning shall review the landscaping, elevations and abutting uses to ensure that the required visual screen will be provided. One Tree shall be planted for every thirty (30') feet of street frontage to allow cluster planting.

- 7.2 Trees shall be planted in every street yard, in accordance with the Code. Said trees shall have a minimum caliper of two (2") inches and a minimum height of six (6') feet for softwoods and eight (8') feet for hardwoods at time of planting. Trees shall consist of a mixture of hardwoods and softwoods to provide for both rapidly growing and slower growing species.
- 7.3 A minimum of One Hundred (100%) percent of required front lawns and side street yards shall be landscaped, excluding driveways.
- 7.4 A fifty (50') foot landscape buffer shall be provided along the western boundary of the Property, in accordance with the following standards:
- 7.4.1 The landscape buffer shall include a landscape berm with a minimum height of four (4') feet and a maximum slope of three (3') feet horizontal for every one (1') foot of height. The berm shall have a level top five (5') feet wide. The berm shall be totally grassed and laid out within the landscaped buffer in a serpentine manner.
- 7.4.2 All planting within the landscaped buffer shall create a continuous solid screen, consisting of trees and shrubs. Trees shall be a combination of hardwoods and softwoods, deciduous and evergreen. Trees shall have a minimum caliper of two (2") inches and a minimum height of six (6')

feet for softwoods and eight (8') feet for hardwoods. The combination of these trees and shrubs shall be designed to provide an effective screen during the winter months. Trees shall be planted no further apart than the average canopy size at five (5) years, depending on the species of tree, but, in any case, no further than thirty (30') feet apart. The Director of Planning shall review the landscaping, elevations and abutting uses to insure that the required visual screen will be provided.

7.4.3 Irrigation shall be provided in all landscape and buffer areas to insure maintenance of landscaped areas. Should landscaping or trees die in the future, the property owner will be required to replant in accordance with the approved landscape plan.

8. **PARKING & LOADING REQUIREMENTS:**

- 8.1 Parking and loading shall be provided in accordance with the current standards set forth in the Code.
- 8.2 No parking or loading shall be permitted in any required front yard or street side yard.

9. **LIGHTING STANDARDS:**

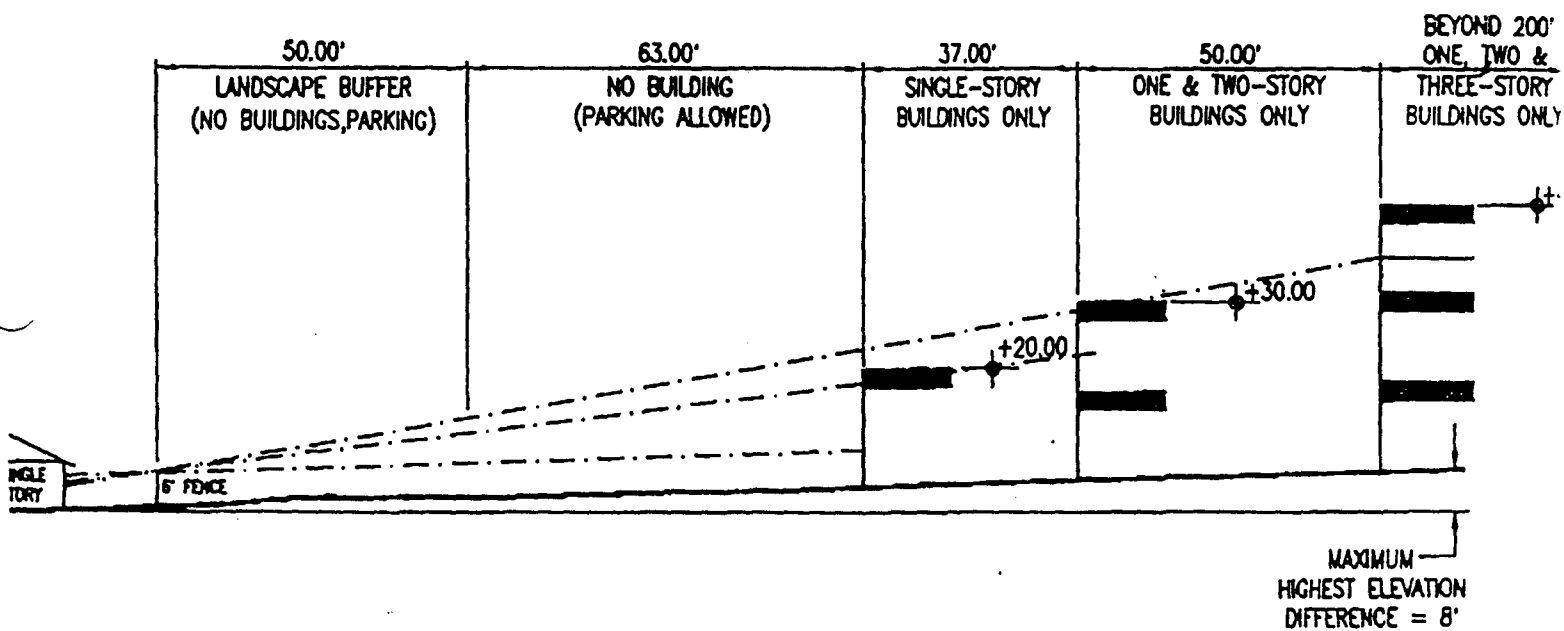
All development within the Property shall be restricted to the following standards:

- 9.1 Maximum light pole height within One Hundred and Fifty (150') feet from any Single Family Residential shall be twenty (20') feet.
- 9.2 Maximum light pole height on the remainder of the Property shall be thirty (30') feet.
- 9.3 All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent Single Family Residences. Lighting levels on the remainder of the Property shall not exceed light levels typical for standard residential street lighting.

10. SCREENING FROM DUMPSTERS AND MECHANICAL EQUIPMENT:

All dumpsters and mechanical equipment shall be screened by either vegetative screening or solid fencing so that they are not visible from either any street or any Single Family residence.

Exhibit D



HICKERSON PLANNED UNIT DEVELOPMENT

RECORDERS MEMORANDUM

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Doc# 9926846
Pages: 21
Date : 04-26-1999
Time : 03:06:39 P.M.
Filed & Recorded in
Official Records
of WILLIAMSON County, TX.
NANCY E. RISTER
COUNTY CLERK
Rec. \$ 49.00

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

This is to certify that this document was FILED and
RECORDED in the Official Public Records of
Williamson County, Texas on the date and time
stamped thereon.



Nancy E. Rister
County Clerk
Williamson County, Texas

Return to
CITY OF ROUND ROCK
ADMINISTRATION
221 EAST MAIN STREET
ROUND ROCK TEXAS 78664